

#### **§ 3603.11**

part for additional regulations applicable to the free use of mineral materials.

#### **§ 3603.11 What rights pertain to users of community pits?**

BLM's designation of a community pit site, when noted on the appropriate BLM records or posted on the ground, establishes a right to remove the materials superior to any subsequent claim or entry of the lands.

#### **§ 3603.12 What rights pertain to users of common use areas?**

(a) BLM's designation of a common use area does not establish a right to remove the materials superior to any subsequent claim or entry of the lands.

(b) Once you have a permit or a sales contract to remove mineral materials from a common use area, your rights under that permit or contract are superior to any subsequent claim or entry on the lands.

#### **§ 3603.13 What price does BLM charge under materials sales contracts for mineral materials from community pits and common use areas?**

BLM will sell mineral materials from community pits or common use areas under materials sales contracts for not less than fair market value.

#### **§ 3603.14 What plans do I need to prepare to mine or remove mineral materials from a community pit or common use area?**

BLM generally will not require a mining or reclamation plan before you mine or remove mineral materials from a community pit or common use area. We may require such a plan if we find that circumstances warrant it. In all cases, you must comply with the terms of the contract or permit to protect health, safety, and the environment.

#### **RECLAMATION**

#### **§ 3603.20 Reclamation.**

#### **§ 3603.21 What reclamation requirements pertain to community pits and common use areas?**

Generally, you do not need to perform reclamation after extracting mineral materials from community pits or

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common use areas. However, you must pay a reclamation fee as provided in § 3603.22.

#### **§ 3603.22 What fees must I pay to cover the cost of reclamation of community pits and common use areas?**

(a) You must pay a reclamation fee based on the amount of mineral materials you extract from the community pit or common use area, unless you make an alternative arrangement under paragraph (b) of this section. The reclamation fee you pay is a proportionate share of the total estimated cost of reclamation, determined by using the ratio of the material that you extract under your permit or contract to the total volume of the material BLM estimates will be extracted from the site.

(b) BLM may, at our discretion, allow purchasers and permittees to perform interim or final reclamation, where needed, in lieu of paying reclamation charges. If BLM allows you to perform reclamation in lieu of paying a fee, we may also require you to post a bond under § 3602.14.

### **Subpart 3604—Free Use of Mineral Materials**

#### **OBTAINING FREE USE PERMITS**

#### **§ 3604.10 Permits for free use of mineral materials.**

#### **§ 3604.11 How do I apply for a free use permit?**

If you wish to apply for free use of mineral materials, you may file a letter of request or a BLM standard application form approved by the Office of Management and Budget.

#### **§ 3604.12 Who may obtain a free use permit?**

Any Federal, State, or territorial agency, unit, or subdivision, including municipalities, or any non-profit organization, may apply for a free use permit to extract and use mineral materials.

(a) BLM may issue free use permits to a government entity without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed, provided that the government entity shows that